

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN PABLO CHAVEZ,

Plaintiff,

v.

SERGEANT WILLIAM FINNEY, OFFICER
STEPHEN STREICHER, and OFFICER
ANTHONY TORTORICE,

Defendants.

No. 19-CV-4109 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Juan Pablo Chavez, proceeding *pro se*, filed this action against three police officers of the Port Authority of New York and New Jersey, alleging that that his constitutional rights were violated during an encounter at the Port Authority Bus Terminal that culminated in his receipt of a disorderly conduct summons and arrest on an unrelated bench warrant. On March 23, 2022, the Court granted Defendants' motion for summary judgment in its entirety, with the exception of Plaintiff's claim that he was retaliated against for his speech by being issued the summons.

On June 6, 2022, after the parties were unsuccessful in resolving Plaintiff's surviving claim in mediation, the Court directed the Clerk's Office to seek *pro bono* counsel for Plaintiff. As of today, Plaintiff remains without an attorney, notwithstanding the efforts of the Clerk's Office to secure one for him. On April 19, 2023, the Court scheduled a telephonic conference to discuss next steps in this case, indicating that it "hopes to proceed to trial as soon as possible." After Plaintiff failed to appear at the conference scheduled for May 2, 2023, the Court rescheduled the conference for May 25, 2023. Plaintiff again failed to appear. The Court then

issued an order on May 26, 2023 stating that it would dismiss this action for failure to prosecute if Plaintiff failed to notify the court that he intends to prosecute this action by June 9, 2023. Plaintiff failed to timely respond to the Court's May 26, 2023 order. Each of the Court's orders was mailed to Plaintiff's address on file with the Court in Los Angeles, California, none of which was marked as undeliverable.

On June 13, 2023, however, the Court received a letter with a notice of change of address from Plaintiff stating that he has been "wrongfully imprisoned in California for 5 months beginning a week before 2023," and requesting that he "be reassigned to an official shelter in lower Manhattan." The letter contains no indication that Plaintiff has received the Court's previous orders.

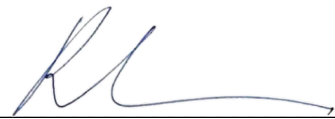
Accordingly, the Court will schedule a telephonic conference with the parties on July 12, 2023 at 1:00 p.m. in order to discuss next steps in this matter. The parties shall use the following dial-in information to call in to the conference: Call-in Number: (888) 363-4749; Access Code: 1015508. Plaintiff is reminded that it is his responsibility to update the Court with his most current address. *Lee v. Carter*, No. 21-CV-8629 (PAE) (RWL), 2022 WL 3441654, at *4 (S.D.N.Y. July 28, 2022) (dismissing pro se claims for failure to prosecute where plaintiff failed to "provide any new address after having been released" from incarceration and did not "file[] anything or communicate[] with the Court in over nine months"); *Robinson v. United States*, No. 03-CV-1001, 2005 WL 2234051, at *2 (S.D.N.Y. Sept. 8, 2005) ("Only the Plaintiff can be responsible for notifying the court and the Defendant of his updated address, and Plaintiff's failure to do so has made it impossible to provide him any notice."). As the Court indicated in its previous orders, Plaintiff's failure to appear at the conference may result in dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

Plaintiff is advised that he may contact the NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York, which is independent from the Court, to seek assistance with this case. Attached to this Order is a flyer containing information about the NYLAG clinic.

The Clerk of Court is respectfully directed to mail a copy of this order, as well as the orders at docket entries 76, 77 and 78, to the new address Plaintiff has included in his June 13, 2023 letter at docket number 79.

SO ORDERED.

Dated: June 16, 2023
New York, New York



Ronnie Abrams
United States District Judge